

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

BARRY GLADSTEIN
Plaintiff

v.

DANIEL LEO TORRES
Defendant

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CIVIL ACTION NO. 5:21-cv-574

DEFENDANTS' NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COME Defendant DANIEL LEO TORRES and files this Notice of Removal and respectfully shows the Court the following:

I. STATE COURT ACTION

1.1. The above-styled cause was initially brought in the 2nd 25th Judicial District Court, Gonzales County, Texas. The state court action is styled: Cause No. 27,977; *Barry Gladstein v. Daniel Leo Torres*; 2nd 25th Judicial District, Gonzales County, Texas.

1.2. Plaintiff demanded a jury trial in the state court action.

1.3. Defendant has filed an Answers in the state court.

II. PARTIES

2.1. Plaintiff Barry Gladstein resides in and is a citizen of the State of Florida.

2.2. Defendant Daniel Leo Torres resides in and is a citizen of the State of Washington.

III. JURISDICTION

3.1. This Court has jurisdiction over the subject matter of this cause, pursuant to 28 U.S.C. § 1332, because this is a civil action in which the matter in controversy exceeds the sum or

value of \$75,000, exclusive of interest and costs, and is between citizens of different states. *See* 28 U.S.C. § 1332(a)(1).

3.2. More specifically, Plaintiff affirmed in his Original Petition that he is seeking monetary relief of \$100,000.00. Therefore, the amount-in-controversy requirement is satisfied.

3.3 Additionally, the complete-diversity-of-citizenship requirement is satisfied as Plaintiff is a resident and citizen of the State of Florida, whereas Defendant is a resident and citizen of the State of Washington.

3.4 Accordingly, this cause is removable pursuant to 28 U.S.C. §§ 1332 and 1441.

IV. VENUE

4. Venue is proper in the United States District Court, Western District of Texas, San Antonio Division because the events giving rise to the claim occurred in Gonzales County, Texas, and the state court case is pending in Gonzales, Texas. *See* 28 U.S.C. § 1391(b)(2).

V. TIMELINESS

5. The Defendant was served on May 15, 2021. Thirty days have not elapsed since the Defendant was served with process. Pursuant to 28 U.S.C. § 1446, this Notice of Removal is timely and proper.

VI. ATTACHMENTS

6.1. Accompanying this Notice of Removal is a copy of all process, pleadings, and orders served upon Defendant in the state-court action, in accordance with 28 U.S.C. § 1446, identified as Exhibit “1.”

6.2. Additionally, and pursuant to Local Rule CV-3(a), a completed Civil-Cover Sheet, Supplemental Cover Sheet and List of Counsel is attached as Exhibit “2.”

VII. CONDITIONS PRECEDENT

7. Defendants have tendered the filing fee to the Clerk of the United States District Court for the Western District of Texas, San Antonio Division, along with the original Notice of Removal. A copy of this Notice of Removal is also being filed in the 2nd 25th Judicial District Court of Gonzales County, Texas, and all counsel of record are being provided with complete copies.

VIII. PRAYER

8. Accordingly, Defendant respectfully prays that this action be removed to the United States District Court, Western District of Texas, San Antonio Division.

Respectfully submitted,

**CURNEY, FARMER, HOUSE,
OSUNA & JACKSON, P.C.**

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By: /s/ Nicholas A. Parma

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing has been served on the following through the electronic filing manager, by mail, by commercial delivery service, by fax, by email, or by such other manner as directed by the court on the 16th day of June 2021.

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Counsel for Plaintiff

/s/ Nicholas A. Parma
Edward L. Osuna / Nicholas A. Parma